

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

*

CASE NO. 09-03939-ESL

JUANA M ORTIZ PABON

CHAPTER 13

Debtor(s)

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MOTION TO SUBMIT AMENDED PLAN DATED DECEMBER 2, 2009

TO THE HONORABLE COURT:

NOW COMES the above named debtors through the undersigned attorney and very respectfully prays and alleges:

1. That debtor herewith submits amended plan dated DECEMBER 2, 2009 for the Court's approval.

WHEREFORE it is respectfully requested that this Honorable Court confirm this plan on its day.

In San Juan, Puerto Rico, this December 2, 2009.

I CERTIFY that on this date I sent by electronic mail a true copy of this motion and Plan to Chapter 13 Trustee, Alejandro Oliveras Rivera, Esq., to attorney for R&G Premier Bank, Ismael H. Herrero, III and by regular mail to parties in interest and to creditors as per master address list.

/s/EMILY D DAVILA
USDC-PR #214503
WILLIAM DAVILA DE PEDRO, ESQ.
USDC-PR 128809
420 PONCE DE LEON
MIDTOWN SUITE 311
SAN JUAN, PR 00918
TEL. 787, 759-8090/FAX 759-9620
treasure@prtc.net

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **ORTIZ PABON JUANA MARCIA**
aka JUANA M ORTIZ PABON

BK. CASE # **09-03939-EESL**

DEBTOR(S)

CHAPTER 13

CHAPTER 13 PAYMENT PLAN

NOTICE: The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When the plan is confirmed, the debtor and each creditor to its terms. Objections must be filed in writing with the court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections and not filed in the same manner within twenty (20) days from its notification. **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim.** The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and/or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured creditor, a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan. See the notice of commencement of case for the plan's effective date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.

- The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
- The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
- ☐ The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED: _____

☒ **AMENDED PLAN DATED:** DECEMBER 2, 2009

☒ PRE ☐ POST-CONFIRMATION

FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED

I. PAYMENT PLAN SCHEDULE

\$	<u>300.00</u>	x	<u>12</u>	=	<u>3,600.00</u>
\$	<u>450.00</u>	x	<u>48</u>	=	<u>21,600.00</u>
\$	_____	x	_____	=	_____
\$	_____	x	_____	=	_____
\$	_____	x	_____	=	_____
TOTAL =				<u>60</u>	<u>25,200.00</u>

Additional Payments:

\$ 0.00 to be paid as LUMP SUM
within _____ with proceeds to come from
☐ Sale of property identified as follows:

☐ Other: _____

Periodic Payments to be made other than, and in addition to the above.

\$ _____ x _____ = _____

To be made on: _____

PROPOSED PLAN BASE: \$ 25,200.00

II. ATTORNEY'S FEES

To be treated as a § 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

a. Rule 2016(b) Statement: \$ 3,000.00
b. Fees Paid (Pre-petition): \$ 600.00
c. R 2016 Outstanding balance: \$ 2,400.00

d. Post Petition Additional Fees: \$ 0.00

e. Total Compensation: \$ 3,000.00

Signed: /s/ ORTIZ PABON JUANA MARCIA

DEBTOR

JOINT DEBTOR

II. DISBURSEMENT SCHEDULE SEQUENCE

A. SECURED CLAIMS

☐ Debtor represents that there are no secured claims.

☒ Secured creditors will retain their liens and shall be paid as follows:

ADEQUATE PROTECTION PAYMENTS CR _____ \$ _____

☐ Trustee will pay secured ARREARS:

Cr. _____	Cr. _____	Cr. _____
# _____	# _____	# _____
\$ _____	\$ _____	\$ _____

☒ Trustee will pay IN FULL Secured Claims

Cr. <u>R&G PREMIER BANK</u>	Cr. _____	Cr. _____
\$ <u>11,399.56</u>	\$ _____	\$ _____

☐ Trustee will pay VALUE OF COLLATERAL

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☐ Secured Creditor's interest will be insured. **INSURANCE POLICY** will be paid through plan:

Cr. _____ Ins Co. _____ Premium: \$ _____

(Please indicate in "Other Provisions" the insurance coverage period)

☐ Debtor SURRENDERS COLLATERAL to Lien Holder:

☐ Debtor will maintain REGULAR PAYMENTS DIRECTLY to:

B. PRIORITIES The Trustee will pay \$507 priorities in accordance with the law. [§1322 (a)(2)]

☐

C. UNSECURED PREFERRED: Plan ☐ Classifies ☒ Does not Classify Claims.

☐ Class A: ☐ Co-Debtor Claims / ☐ Paid 100% / ☐ "Pay Ahead": _____

☐ Class B. ☐ Other Class: _____

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = \$ 7,668.58)

☐ Will be paid 100% plus _____ % Legal Interest. ☒ Will be paid Pro-Rata from any remaining funds

OTHER PROVISIONS:

ATTORNEY'S FEES TO BE PD FIRST;

EMA R-G PREMIER \$270. X 12 & \$400. X 22 (PRINCIPAL SUM \$7016.62 + 13.50% (\$2,670.) + LATE CHARGES \$937.94 + \$775.00 ATTY FEES = \$11,399.56 TOTAL OWED. R&G PREMIER TO APPLY ALL MONIES RCVD. TO PNCPAL. UNTIL SATISFACTION, THEREAFTER TO INTEREST, LATE CHARGES &

* See Attached Continuation Sheet for Additional Information

ATTORNEY FOR DEBTOR: WILLIAM DAVILA DE PEDRO ESQ

PHONE: (787) 759-8090

**CHAPTER 13 PAYMENT PLAN
(Continuation Sheet)**

II DISBURSEMENT SCHEDULE

OTHER PROVISIONS

ATTORNEY'S FEES.

GENERAL UNSECURED 100% + 6% LEGAL INT

ORTIZ PABON JUANA MARCIA
URB VILLA CAROLINA
173 11 CALLE 439
CAROLINA PR 00985

WILLIAM DAVILA DE PEDRO ESQ
420 PONCE DE LEON AVENUE
MIDTOWN BLDG SUITE 311
SAN JUAN PR 00918

R & G MORTGAGE
BANKRUPTCY DIVISION
GPO BOX 362394
SAN JUAN PR 00936